

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-08230-HDV(Ex) Date: May 24, 2024

Title *Blaine Harrington, III v. Deepak Dugar*

Present: The Honorable: Hernán D. Vera, United States District Judge

Wendy Hernandez	None.
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiffs:
None.

Attorneys Present for Defendants:
None.

**Proceedings: ORDER RE: OBJECTIONS TO ADMISSION OF PLAINTIFF’S TRIAL
DEMONSTRATIVES [DKT NO. 172]**

Defendant has objected to fifteen (15) demonstratives, attached as Exhibit 1 to Defendant’s Objections, *see* [Dkt. No. 172-1], that Plaintiff disclosed timely and intends to use at trial. The Court rules as follows:

- Page 1: This is a collage of Plaintiff’s photographs. The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The objection is overruled and the demonstrative will be allowed.
- Page 2: This is a photograph of Plaintiff with his family. The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The objection is overruled and the demonstrative will be allowed.
- Page 3: This demonstrative includes one of the photographs at issue together with a screenshot of the photograph on Defendant’s website (which is included on the Exhibit List). The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The objection is overruled and the demonstrative will be allowed.
- Page 4: This slide contains the names and logos of some of the companies with which Plaintiff has worked. The objections do not state that any of this information is inaccurate. The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The objection is overruled and the demonstrative will be allowed.

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- Page 5: This demonstrative identifies various awards and accomplishments received by Plaintiff. Again, Defendant does not object on the grounds that any of the information is inaccurate. The Court finds that this background information could be helpful to the trier of fact. The objection is overruled and the demonstrative will be allowed.
- Pages 6–9: These slides contain various jury instructions. The Court will allow slides containing fully approved jury instructions for closing arguments but **not** for opening statements.
- Page 10: This slide contains partial selections from Defendant’s Counterclaim. On May 14, 2024, the Court ruled on various motions *in limine*, and specifically excluded (at Plaintiff’s request) all evidence of Plaintiff’s prior settlement demands and other prior litigation. [Dkt No. 168]. To give full effect to this ruling, however, the Court hereby excludes **all** evidence of Defendant’s counterclaims, including all evidence of any settlement demands, correspondence, or communications relating to Defendant’s counterclaims. The reason for this should be obvious. Plaintiff cannot have it both ways. Plaintiff cannot be allowed to introduce evidence of Defendant’s (dismissed) counterclaim while excluding the very basis for that counterclaim—namely, Plaintiff’s history of copyright litigation. For this reason, this demonstrative is excluded, and Plaintiff is precluded from introducing any evidence or argument concerning Defendant’s counterclaim.
- Page 11: This is Plaintiff’s proposed verdict form. Because this has not been finalized, the Court will not allow it for opening statements but will allow the final version for closing argument.
- Page 12: This demonstrative is a portion of a confidential settlement communication on the letterhead of prior counsel. The Court will **not** allow this demonstrative.
- Page 13: This demonstrative reproduces a portion of Defendant’s “Terms and Conditions” on Defendant’s website. The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The objection is overruled and the demonstrative will be allowed.

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- Pages 14–15: These final slides contain screenshots of pages on Defendant’s website. The Court finds the demonstrative to be helpful to the trier of fact and does not see any prejudice to Defendant. The demonstrative will be allowed.

IT IS SO ORDERED.